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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,039	01/31/2001	Charles Althoff Gerlach	1-7-5-2-1	5496

22046 7590 06/24/2005

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EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/773,039	Applicant(s) GERLACH ET AL.	
	Examiner Debra F. Charles	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/31/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2, 9,10, 11,12,14,16,18, 24, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al.(6496690B1).

Re claims 1 and 24: Cobo et al. disclose a wireless telecommunications system and method which provides prepaid charging for a packetized data service (Abstract, col. 2, lines 55-67) comprising:

a first prepaid packet node (PPN)(col. 3, lines 5-40);

a first wireless packet serving node (WPSN) logically associated with said first PPN(col. 3, lines 5-40);

means responsive to a subscriber call initiation, for requesting packetized data service via said first PPN through said first WSPN(col. 2, lines 30-55);

means for maintaining a current balance of a prepaid subscriber account(col. 4, lines 45-65);

means for receiving said current balance at said first PPN(col. 3, lines 25-40).

Cobo et al. does not explicitly disclose first and second packet switch nodes. However, col. 3, lines 25-40, Cobo et al. disclose the PPSC may also be sent inter-nodally from one packet-switched node to another, and this means the system has a first and a second packet switch node. Thus, it would have been obvious to one with an ordinary level of skill in the art to employ first and second packet switch nodes to transfer data from one node to another to get the benefit of a complete packet switch transfer from point to point.

Re claims 2 and 25: Cobo et al. disclose means for completing a first data connection to said wireless device by said first WPSN in response to said means for returning said balance to said first PPN by said accounting processor, said first data connection supporting said packetized data service(col. 3, lines 25-40).

Re claims 9,10 and 32: Cobo et al. disclose means for retrieving an amount in said prepaid account by said accounting processor(col. 4, line 45-col. 5, line 20, i.e. short message service gateway mobile switching center is a means for retrieving);
means for retrieving a rate by said accounting processor(col. 4, line 45-col. 5, line 20); and

means for determining said balance from said rate and said amount(col. 4, line 45-col. 5, line 20);

And wherein said rate is dependent upon at least one variable selected from the group consisting of a time of day, a day of week, a subscriber's calling plan, a service location of said wireless device, and a subscriber's level of quality of service (QoS) (col. 4, line 45-col. 5, line 20).

Re claim 11: Cobo et al. disclose wherein said wireless device is selected from the group consisting of a mobile wireless terminal and a fixed wireless terminal(Fig. 1, item 15, item 27, item 24).

Re claim 12: Cobo et al. disclose said wireless device supports at least one wireless technology and wherein said accounting processor adjusts said subscriber's prepaid account according to a wireless technology utilized by said wireless device(col. 5, lines 40-67).

Re claim 14. Cobo et al. disclose balance indicates said limited usage selected from the group consisting of a number of packets, a time duration

of said call, a time duration of active transmission, and an amount of transferred information(col. 4, lines 45-65).

Re claim 16: Cobo et al. disclose wherein said wireless device supports Global System for Mobile Communications (GSM)(col. 5, lines 10-20).

Re claim 18: Cobo et al. disclose wireless device supports Time Division Multiple Access (TDMA)(col. 5, lines 10-20).

3. Claims 3 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. as applied to claims 1 and 24 above, and further in view of Nilsson(6400967B1).

Re claims 3 and 26: Cobo et al. disclose the invention except means for rejecting said initiation of said call by said first WPSN in response to said means for returning said balance to said PPN by said accounting processor. However, in col. 12, line 55-col. 13, line 55 thereof, Nilsson disclose(s) giving the user the ability to reject a call. It would be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. based

on the teachings of Nilsson. The motivation to combine these references is to give the user flexibility in accepting or rejecting calls initiated elsewhere in the system.

4. Claims 4, 5, 6, 27,28, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. as applied to claims 1 and 2 above, and further in view of Davitt et al.(6137872A).

Re claims 4, 5, 6, 27,28,29 and 33: Cobo et al. disclose(s) the claimed invention except replenishing the prepaid card dynamically and informing the user of the balance at various points. However, in col. 2, lines 25-55 thereof, Davitt et al. disclose(s) informing said subscriber to replenish an amount in said prepaid account and informing the user of the balance at various points. It would be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. based on the teachings of Davitt et al. The motivation to combine these references is to replenish the prepaid card dynamically at any of the packet nodes.

5. Claims 7 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. as applied to claim 2 and 24 above, and further in view of Barabash(5913176A).

Re claims 7 and 30: Cobo et al. disclose the invention except means for instructing said first PPN through said first WPSN that said call is released by said wireless device in response to said subscriber discontinuing said call. However, in col. 3, lines 45-55, Fig. 2, item 28, Fig. 3, items 53, 55, Fig. 4, items 75, 77, Barabash disclose the on-hook condition that terminates the call and applies to both wireless and wired phones. It would

be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. based on the teachings of Barabash. The motivation to combine these references is to effectively inform the system that the subscriber has hung up the call.

6. Claims 8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. and Davitt et al. as applied to claims 2 and 24 above, and further in view of Haas et al.(5577168A).

Re claims 8 and 31: Cobo et al. and Davitt et al. disclose the invention except means for detecting a handover event by said second PPN through said second WPSN, said handover event generated by said radio network;

However, in Abstract, col. 1, line 55-col. 2, line 25, Haas et al. disclose a wireless packet hand-off procedure. It would be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. and Davitt et al. based on the teachings of Haas et al. The motivation to combine these references is to efficiently transfer the call parameters from one node to the next.

7. Claims 13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. as applied to claim 1 above, and further in view of Bharatia(2001/0031635A1).

Re claims 13, 15, and 17: Cobo et al. disclose(s) the claimed invention except said call utilizes voice over Internet Protocol (VoIP); wherein said

wireless device supports Code Division Multiple Access (CDMA); and wireless device supports Universal Mobile Telecommunications System (UMTS). However, in para 0006, 0022, 0071, 0109, 0126, claims 11 and 16 thereof, Bharatia disclose(s) VOIP, CDMA and UMTS. It would be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. based on the teachings of Bharatia. The motivation to combine these references is to effectively combine different protocols with packet switching technology.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. as applied to claim 1 above, and further in view of Spaur et al.(5732074A).

Re claim 19: Cobo et al. disclose(s) the claimed invention except said wireless device supports Cellular Digital Packet Data (CDPD). However, in col. 2, lines 50-67 thereof, Spaur et al. disclose(s) wireless device and CDPD. It would be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. based on the teachings of Spaur et al. The motivation to combine these references is to effective and efficiently use wireless technology.

9. Claims 20 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davitt et al. and Cobo et al.

Re claims 20 and 34: Davitt et al. disclose a wireless telecommunications system enabling a subscriber of a wireless device to replenish an amount of a prepaid account, said prepaid account associated (col. 2, lines 25-55); means for requesting a replenishment of said amount to said signal processor by said subscriber through said communications device; and means for conveying said replenishment of said amount to said accounting processor by said serial processor in response to said means for requesting said replenishment of said amount by said subscriber(col. 2, lines 25-55);

Davitt et al. disclose(s) the claimed invention except a serial processor, an accounting processor connected to said serial processor through a communications network; a communications device connected to said serial processor through said communications network. However, in the Abstract, col. 2, lines 5-20, col. 14, lines 45-60, claims 20 and 22 thereof, Blount et al. disclose(s) various processors and multi-functional serial processors. It would be obvious to one of ordinary skill in the art to modify the invention of Davitt et al. based on the teachings of Blount et al. The

motivation to combine these references is effectively use serial processors in a network environment.

Davitt et al. and Blount et al. disclose(s) the claimed invention except a packetized service, said wireless telecommunications system communicating to said wireless device through a radio network. However, in the Abstract, col. 2, lines 55-67 thereof, Cobo et al. disclose(s) a wireless packet communication service. It would be obvious to one of ordinary skill in the art to modify the invention of Davitt et al. and Blount et al. based on the teachings of Cobo et al. The motivation to combine these references is to efficiently and effectively use packet data transmission with dynamic funds replenishment.

10. Claims 21, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davitt et al., Blount et al. and Cobo et al. as applied to claim 20 above, and further in view of Kennedy et al.(6377825B1).

Claims 21 and 22: Davitt et al., Blount et al. and Cobo et al. disclose(s) the claimed invention except wherein said signal processor comprises a website and wherein said communications network comprises a IP network telephone processing unit and wherein said communications network comprises a telephone network. However, in Abstract, col. 5, lines 5-35,

col. 23, lines 20-50 thereof, Kennedy et al. disclose(s) signal processor, website, IP network and telephone communications system. It would be obvious to one of ordinary skill in the art to modify the invention of Davitt et al., Blount et al. and Cobo et al. based on the teachings of Kennedy et al. The motivation to combine these references is to enhance the efficiency of wireless technology.

Re claim 23: Cobo et al. disclose wherein said communications device comprises said wireless device(col. 3, lines 25-40).

11. Claims 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davitt et al. and Cobo et al. as applied to claim 34 above, and further in view of Serbetcioglu et al.(5719918A).

Re claims 35, 37 and 38: Davitt et al. and Cobo et al. disclose(s) the claimed invention except means for modifying said prepaid account in response to said first PPN sending an updated balance to said accounting processor, said updated balance indicative of a usage associated with said call. However, in col. 7, lines 1-15, col. 15, lines 30-50 thereof, Serbetcioglu et al. disclose(s) updating a balance in response to an electronic message and a micro-processor that parallels that of an accounting processor. It would be obvious to one of ordinary skill in the art to modify the invention of Davitt et al. and Cobo et al. based on the teachings of Serbetcioglu et al. The motivation to combine these references is that accounting processors are processors and adjusting the balance of an account is an inherent function built into the processors main function.

12. Claims 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobo et al. and Davitt et al. as applied to claims 34 above, and further in view of Haas et al.(5577168A).

Re claims 36 and 39: Cobo et al. and Davitt et al. disclose the invention except means for detecting a handover event by said second PPN through said second WPSN, said handover event generated by said radio network;

However, in Abstract, col. 1, line 55-col. 2, line 25, Haas et al. disclose a wireless packet hand-off procedure. It would be obvious to one of ordinary skill in the art to modify the invention of Cobo et al. and Davitt et al. based on the teachings of Haas et al. The motivation to combine these references is to efficiently transfer the call parameters from one node to the next.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles
Examiner
Art Unit 3624



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